

REMARKS

The Office Action mailed January 20, 2004 has been reviewed and the comments of the Patent and Trademark Office have been considered. Claims 1-39 were pending in the application. Claims 1, 7, 11, 14, 15, 18, 21, 23-28, 31, 37, and 39 have been amended and no claims have been cancelled or newly added. Therefore, claims 1-39 are pending in the application and are submitted for reconsideration.

This amendment changes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, are presented, with an appropriate defined status identifier.

In the Office Action, claims 1-3, 8-10, 12-17, 23, 31, and 32 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 5,778,395 to Whiting et al. (hereafter "Whiting"). Claims 4-7, 11, 18-22, 24-30, and 33-39 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Whiting in view of U.S. patent 6,574,733 to Langford (hereafter "Langford"). Applicants respectfully traverse these rejections for at least the following reasons.

Each of the independent claims 1, 14, 15, 18, 21, 23, 29, 31, 37, 39 recites a method, apparatus, or software that, *inter alia*, uses a scanning operation during a backup process to derive a semantic data index that can be used to obtain direct access to a file based on the semantic data. Therefore, in one aspect of the claimed invention, users files are scanned and indexed so that it is possible to locate them in the backup database and retrieve them efficiently. This indexing process involves creating a centralized index.

Thus, the claimed index/search process enables a user to locate a given file within the backup database. To facilitate this search process in a search initiated by the user, an index which is adapted for that purpose is provided. Specifically, the claimed indexing process scans different files for the purpose of extracting relevant semantic data (such as words and items or other textual information) which can serve as direct access points to the individual files to which they refer. See, for example, page 1, lines 15-20 and page 7, lines 34-36 of the specification.

This recited semantic data index derived during the scanning step of a backup operation is not disclosed or suggested by the applied prior art. Specifically, Whiting

discloses at column 17, line 5 to column 18, line 35, the specifics of how the data in Whiting is stored and/or encrypted at a block level in the backup archive. There is no disclosure whatsoever of using document semantic data (such as keywords) or other such indexing data in order to identify the backup document in a way which is explicable or useful to an actual end-user. This 'administrative' sparse indexing function disclosed by Whiting aimed solely at referencing the document for the purpose of the backup system and keeping track of the files is very different from the semantic data based indexes recited in the pending independent claims.

To summarize the applied prior art, Whiting describes incremental backup processes and includes reference to scanning the files. However, this scanning and indexing step is for the purpose of properly performing the backup process. There is no disclosure of a combined indexing/backing up process as recited in the pending independent claims.

Neither does Langford cure the deficiencies of Langford. Specifically, Langford relates essentially to distributed backup systems. There is no disclosure of a step of scanning/indexing documents while performing the backup. Specifically, there is no disclosure of scanning the documents for semantically significant data (keywords etc) to enable a user to search and locate documents of interest. Like Whiting, Langford is concerned with indexing backup documents for backup administration purposes, not to allow users to locate documents themselves as facilitated by the claimed invention. Therefore, the pending independent claims are patentable over the applied prior art.

The dependent claims are also patentable for at least the same reasons as the respective independent claims on which they ultimately depend. In addition, they recite additional patentable subject matter when considered as a whole.

For example, dependent claims 5, 6, 19, 20, 22, 27, 30, 35, and 38 recite another indexing attribute which can be used for precisely controlling, during the search process, selective access to the documents in the database. See, for example, page 7, lines 25-33 of the specification. This recited feature is also not disclosed in the applied prior art and provides additional reasons for the patentability of these claims.

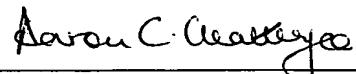
In view of the above, applicants believe that the application is now in condition for allowance. An indication of the same is respectfully requested. If there are any questions

regarding the application, or if an examiner's amendment would facilitate the allowance of one or more of the claims, the examiner is invited to contact the undersigned attorney at the local telephone number below.

Respectfully submitted,

July 20, 2004

Date



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